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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ISRAEL MORALES,

No. C-07-6002 TEH (PR)

12 Petitioner,

13 v.

ORDER OF DISMISSAL

14 D. K. SISTO, Warden

15 Respondent.
16 _____/

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18 On November 28, 2007, Petitioner filed a pro se Petition
19 for Writ of Habeas Corpus. Doc. #1. On that same day, the Court
20 sent a notification to Petitioner informing him that he had neither
21 paid the filing fee nor submitted a completed application for leave
22 to proceed in forma pauperis. The Court provided a copy of the
23 correct in forma pauperis application, along with a return envelope,
24 and a notification that the case would be dismissed if Petitioner
25 failed to pay the fee or file the completed application within 30
26 days. Doc. #2.

27 On December 26, 2007, Petitioner notified this Court that
28 on December 19, 2007, he had requested the Inmate Trust Account

1 Office to complete the required "Certificate of Funds in Prisoner's
2 Account" and mail it with his attached in forma pauperis application
3 to the Court. Petitioner requested the Court notify him if the
4 application was not received. Doc. #3.

5 On March 21, 2008, the Court, having received no in forma
6 pauperis application from Petitioner, granted him an extension of
7 time of another 30 days by which to file the application and
8 reminded Petitioner "that the ultimate filing of the necessary
9 pleadings is the responsibility of Petitioner, not the Inmate Trust
10 Account Office." Doc. #4. A copy of that order granting Petitioner
11 an extension of time was mailed to Petitioner and returned to the
12 Court on April 1, 2008 as undeliverable. Doc. #5.

13 As a result of receiving the returned mail, on June 13,
14 2008 the Court ordered Petitioner to provide the Court with a
15 current address. Doc. #6. After the Court's mail to Petitioner was
16 again returned as undeliverable, Doc. #7, the case was dismissed on
17 July 7, 2008. Doc. #8.

18 Thereafter, Petitioner moved pursuant to Fed. R. Civ. P.
19 60(b) to vacate the judgment on the grounds that his address had not
20 changed, but that he had not received the Court's Order despite the
21 fact that he remains incarcerated at Solano State Prison. Doc. #10.
22 On February 2, 2009, the Court granted Petitioner's motion and
23 ordered the case reopened. The Court gave Petitioner 30 days to
24 either pay the filing fee or submit a complete in forma pauperis
25 application with the necessary documents attached. Doc. #12.


26 On February 18 and 23, 2009, the post office again
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1 returned mail from the Court to Petitioner as undeliverable. Doc.
2 ## 13, 14. To date, Petitioner has not provided the Court with a
3 current mailing address. Because more than 60 days have passed
4 since the Court's mail to Petitioner was returned, the case is
5 DISMISSED without prejudice pursuant to Civil Local Rule 3-11(b).

6 The Clerk shall close the file and terminate all pending
7 motions as moot.

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10 IT IS SO ORDERED.

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12 DATED 04/20/09



THELTON E. HENDERSON
United States District Judge

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